



BOX PARISH COUNCIL

Drawn up by: **Box Parish Council**

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Signed by:

DISCIPLINARY POLICY

1. Introduction

The guidance given in the ACAS advisory handbook "Discipline At Work" has been taken into account when preparing this policy.

2. Purpose and Scope

This policy is designed to help and encourage all employees to achieve and maintain a satisfactory standard of conduct, attendance and job performance. General indications as to the type of misconduct, omission or, in certain situations, failure in performance, that could lead to disciplinary action against employees are set out below.

3. Exclusions

This policy does not apply:

- i. during a probationary period of service
- ii. in the event of redundancy

In addition, day to day supervision of employees is outside the policy's scope.

4. Principles

- i. No disciplinary action will be taken against an employee until the case has been fully investigated.
- ii. At every state of sections 5 and 6 of this policy the employee will be advised of the nature of the complaint against him or her, and will be given the opportunity to state his or her case before any decision is made.
- iii. At all stages the employee will have the right to be accompanied by a trade union representative or person of his/her choice during the disciplinary interview. In special circumstances, subject to agreement in advance by the person hearing the case, the employee will be

- permitted to be accompanied by another person who cannot take part in the proceedings.
- iv. No employee will be dismissed for the first breach of discipline except in the case of gross misconduct when the penalty will be summary dismissal without notice or payment in lieu of notice.
 - v. An employee will have the right to appeal against any disciplinary penalty imposed.
 - vi. The policy may be implemented at any state if the employee's alleged misconduct warrants such action.
 - vii. Where appropriate, counselling and/or training will be provided for the employee concerned.

5. The Procedure

Stage 1 – Oral Warning

If conduct or performance does not meet acceptable standards the employee will normally be given a formal **Oral Warning**. He or she will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of his or her right of appeal. A brief note of the oral warning will be kept on the employee's personnel records and a copy given to the employee concerned. Subject to satisfactory conduct and performance, it will be disregarded for disciplinary purposes after six months, except in special circumstances, when a longer period may be determined.

Stage 2 – Written Warning

If the offence is a serious one, or if a further offence occurs, a **Written Warning** will be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept by the supervisor and on the employee's personnel records. Subject to satisfactory conduct and performance, it will be disregarded for disciplinary purposes after twelve months, except in special circumstances, when a longer period may be determined.

Stage 3 – Final Written Warning

If there is still a failure to improve, and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warning) a **Final Written Warning** will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept by the Clerk and on the employee's personnel records.

Subject to satisfactory conduct and performance, it will be disregarded for disciplinary purposes after eighteen months. However, in exceptional cases the period may be longer or, indeed, there may be circumstances where the

misconduct is so serious – verging on gross misconduct – that it cannot realistically be disregarded for future disciplinary purposes. The employee will be made fully aware of any such decision in the final written warning.

Stage 4 – Dismissal

If conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, **Dismissal** will normally result. Only the full Council can take the decision to dismiss. The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which employment will terminate and the details of the right of appeal. If considered appropriate the Council may decide to give pay in lieu of notice.

6. Gross misconduct

An employee accused of an act of gross misconduct will be suspended from work on full pay while the alleged offence is investigated. Any suspension will be for as short a period as possible.

If the appointed Councillors hearing the case are satisfied that gross misconduct has occurred the result will normally be summary dismissal without notice or pay in lieu of notice.

7. Suspensions

There may be circumstances other than those outlined in 6 above where an employee may be suspended from work.

Where it is determined that there are good reasons for doing so, an employee will be suspended from work on full pay while the alleged offence is investigated. Any suspension will be for as short a period as possible.

8. Other Sanctions

In addition to the disciplinary action detailed above, there may be occasions when other forms of action may be taken if considered appropriate.

9. Appeals

An employee who wishes to appeal against a disciplinary decision should do so in writing to the Clerk to the Council within ten working days of receipt of the decision. In the case of an Appeal by the Clerk this will go to the Council Chairman. At the appeal any disciplinary penalty imposed will be reviewed, but it cannot be increased.

Appeals against any disciplinary action other than dismissal will be heard and determined by the Chairman and members of the appropriate Committee.

Appeals against dismissal will be heard and determined by an Appeals sub-committee set up by the Council.

10. General Guidance on Behaviour and Conduct

General

The ACAS Code of Practice on Disciplinary Practice and Procedures in employment recommends that employees be left in no doubt as to the type of behaviour or conduct that will result in disciplinary action against them.

It is not possible to specify all forms of behaviour that will result in disciplinary action. Each case must be judged in the light of the circumstances surrounding it. Varying circumstances may well result in different disciplinary action being taken for what appear to be similar offences

The following examples give a clear indication of the Council's position. Omissions from the examples are not, in themselves, grounds for appeal and the examples are not exhaustive. In addition, employees should, so far as is reasonably practicable, be acquainted with the working rules and procedures relating to their particular area of work.

Some reasons justifying Disciplinary Action

- Professional negligence, misconduct, omission or failure in performance to a reasonable and acceptable standard
- Use of paid working time for purposes unrelated to the job
- Unauthorised disclosure of confidential information obtained in the course of the job or the use of any such information or official contacts for personal gain
- Negligence in the care or custody of cash, store or other property of the Council.
- Insubordination i.e. failure to obey the reasonable, lawful and proper instructions of a supervisor
- Deliberate failure to disclose any personal incapacity which may be incompatible with the satisfactory discharge of the duties and responsibilities of the job
- Absenteeism or persistent lateness
- General misconduct (eg bad or insolent behaviour or alcohol or drug related misconduct)
- Failure to exercise reasonable care to the safety of oneself, fellow employees or members of the public
- Breach of any working rules and procedures relating to employment with the Parish Council generally or an employee's particular area of work

Some reasons which may justify dismissal with notice

As distinct from gross misconduct (see below) dismissal with notice, or with pay in lieu, will normally occur in situations where the various stages of the disciplinary procedure have been followed in response to persistent failures under one or more of the type of reasons listed above.

In addition, there may be circumstances which oblige the Parish Council to give notice to terminate employment e.g.

- Behaviour of a serious or criminal nature outside the employment with the Parish Council, the nature of which, in the opinion of the Council, make continued employment impossible.

Some reasons which may justify dismissal without notice

Action of **gross misconduct** will, except in the most exceptional circumstances, justify dismissal without notice. The Parish Council considers that the following actions come within this category;

- Serious professional negligence, misconduct, omission or failure in performance
- Fraud, theft or misappropriation of cash or property belonging to the Parish Council, a fellow employee, or any person or organisation dealt with as part of an employee's duties. A similar offence committed outside the employment of the Parish Council may also be so regarded.
- Deliberate falsification of a work record, time sheet, travelling or other claim form and other such documents connected with an employee's employment.
- Serious instances of sexual harassment, racial harassment or religious intolerance
- A serious case involving the misuse or wrongful possession of drugs
- A serious case of being under the influence of drink or drugs at work
- Threatened or actual physical assault, fighting or riotous behaviour at work and similar action
- Malicious damage to the Parish Council and/or its property
- A serious act of insubordination

GRIEVANCE PROCEDURE

1. If you are dissatisfied with any disciplinary decision which affects you, or if you have a grievance about your employment, you should apply in the first instance to the Parish Council Clerk. In the case of the Clerk this should be sent to Council Chairman
2. You should make your appeal in writing and address it to the Parish Clerk, Box Parish Council, The Parade, Box, Corsham, Wilts SN13 8NX
3. If the grievance or disciplinary decision cannot be resolved in the first instance, you have the right to refer it to the Chairman of the appropriate Committee of the Council.
4. These people should investigate the matter fully, in necessary interviewing yourself and anyone else involved and should give you their decision in writing within seven

working days.

5. If the matter is still not resolved you have the right to refer to the Chairman of the full Council. The decision of the full Council will be final.